

REMARKS

In the Advisory Action, Examiner Araj indicated that the amendments in the previous response were not entered, and maintaining that claims 10-14 were allowed and claims 34, 37 and 39 were allowable. Although the positions of the Examiner expressed in the Advisory Action are not conceded, in order to move these allowed and allowable claims to issue, this further amendment is being offered. While the pending action is not believed to be properly final, as expressed in a prior filing, this amendment has been prepared so as to comport with 37 CFR 1.116.

Claims 1-9, 15 and 22-30 have been cancelled without conceding any ground of rejection, and without prejudice to reconsideration in this or a continuing application.

As discussed in a prior response, it was noted on review of allowed claim 10 that the term "spinal fastener" appeared in the claim, referring to the "bone fixation member" identified earlier in the claim. To forestall concern over antecedent basis, the amendments to claim 10 noted above are offered to conform the latter language to the prior usage. These amendments were offered in the last filing, but according to the Advisory Action were not entered, and so they are re-offered in this paper. No change to the subject matter of claim 10 is intended or has been made, and no new matter has been added.

Further, a review of allowed claims 11-14 demonstrated a typographical error in which the claims depended from claim 9. Correction of that typographical error is made as indicated above.

Claims 16-20 have been amended to depend from claim 39, and claim 21 originally depended from claim 20. Further, claim 20 was amended to correct a typographical error by inserting the word "a" in line 2. Most of those amendments were offered in the last filing, and are re-offered in this paper because of the indication in the Advisory Action that they had not been entered.

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Dependent claims 31-33 had previously been amended to depend from claim 37, but those amendments also were not entered. They are being re-offered above.

Claims 34, 37 and 39 have been amended to place them in independent form, without any substantive changes. As with other amendments noted above, these amendments were previously offered but not entered, and therefore they are re-offered herein.

New claims 40-50 had been offered previously, but were not entered. They are being re-offered in this paper. Each of those claims is supported by the specification as indicated in the last response. No new matter has been added. Each depends from one of allowable claims 34 and 37, and therefore present no further issues for examination.

New claims 51-58 are being presented for the first time in this response, and they all depend from a claim that has been allowed or declared to be allowable. They are supported at least by original claim language and related specification text and drawings. No new matter has been added.

To summarize, the claims indicated as rejected in the Advisory Action have been cancelled. The allowed claims and those indicated as allowable have been preserved. Amendments to those preserved claims have been re-offered in this paper because they were said in the Advisory Action not to have been entered. New claims previously offered but not entered, and further new claims, have been offered in this paper, and all of those new claims depend from an allowed claim or one declared to be allowable.

This paper cancels claims, places allowable claims in independent form, and adds only dependent claims for which support is evident from the record. Per 37 CFR 1.116, it is believed to be a proper amendment in an after-final situation, and its entry is respectfully requested.

The cancellation of claims herein is without prejudice to reconsideration in this or a continuing application. It does not indicate a concession of any ground of rejection or

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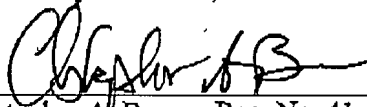
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objection. Comments concerning claims made in prior responses are incorporated herein by reference.

Since no further issues appear to exist, entry of this amendment and allowance of all claims is respectfully requested. If the Examiner believes any further question is open, the favor of a telephone call to resolve such question is requested.

Respectfully submitted,



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